

## TREHY MUST SHOW

Supreme Court Upholds Man-  
damus Issued by Judge Mc-  
Lemore in Newell

## PEATROSS TO MAKE CONTEST

On Face of Returns, Norfolk  
Clerk Won by 93 Out of  
7,512 Votes

That poll books are public documents, and, consequently, accessible on demand to any citizen, was established yesterday afternoon when the State Supreme Court of Appeals refused to reverse the decision of Judge McLemore, of the Circuit Court of the city of Norfolk, ordering James V. Trehy, clerk of the Corporation Court, of Norfolk, to surrender the poll books

In the recent election to Richard W. Peatross. In the State election of November 4, Trehy was re-elected over Peatross, candidate of the Citizens' party, by a majority of 33 votes in 1,512 cast. Peatross has given notice of his purpose to contest the election, but when his attorneys went to Trehy to obtain the poll books to be used in preparing the petition for a recount, they were refused permission to see

Counsel for the defeated candidate at once applied to Judge McLemore for a writ of mandamus to compel Trehy to surrender the poll books for inspection. This writ was granted on Tuesday afternoon. Trehy's attorney, Walter H. Taylor, insisted upon taking an appeal to the State Supreme Court, and presented his argument yesterday morning to the full court. Inquired to

haste by the fact that Peatross must file his notice of contest before tomorrow night, the judges of the Supreme Court went into conference immediately, and unanimously agreed to affirm Judge McLeomore's decision.

**File Contest To-Morrow.**

This action by the Supreme Court means that Trehy, as custodian of poif books, must to-day surrender for the inspection of his opponent the records of

The suspension of the mandamus allowed by Judge McLemore expires this afternoon, and Pentross's attorneys can then peruse the poll books at will. It is expected that the defeated candidate will file his petition.

The refusal of Mr. Trehy to allow his opponent's lawyers to see the poll books created a sensation in Norfolk, and had the effect of rekindling the keen interest evinced during the last days of the campaign. Mr. Trehy was bitterly fought for re-election to the office of clerk.

party, who organized as the Citizens' party, and supported Mr. Peatross in opposition to Trehy, the organization candidate in the general election.

In justification of his refusal to surrender the poll books for inspection, Trohy declared in his petition that these books are the property of the State, and that to allow them to be seen by any one would be a violation

of the right of secret ballot. It was pointed out by Peatross's attorneys that the right of secret ballot is not concerned in the matter, as the poll books show only a list of the names of the persons voting, without indicating how they cast their ballot.

"It has always been my idea that poll books opened by the commissioners of election and filed with the clerk."

"It is a record which belongs to the citizens, and, in my opinion, any citizen has a right to see it."

the officer who has the custody of the poll books has a right to see them, the books, as a record of the elections, would guarantee the voters no protection, as it would be possible for commissioners of election to change them

"The poll books are committed to the clerk, not as his property, but to be kept in trust for the people, and I believe any citizen has the right to inspect them."

Immediately after it became known in Norfolk yesterday afternoon that the Supreme Court had denied Mr. Trehy's application for a writ of error in the mandamus proceedings, James E. Heath, of counsel for the Citizens' candidates, took up with Mr. Trehy's counsel the question

the question of whether the court clerk would insist upon waiting until the expiration of the Circuit Court's suspending order before permitting inspection of the poll books. Mr. Heath stated later that he had been assured that Mr. Trehy's attorneys would advise the court clerk to allow the examination of the books.

at once. A few hours afterward the Citizens' lawyers were notified that Mr. Trehy would permit them to commence the examination immediately, and shortly before 9 o'clock last night they began work.

**Trehy Issues Statement.**  
Mr. Trehy last night issued the fol-

"I declined to exhibit the poll books to counsel for Mr. Peatross because I was advised by my counsel that I had no right to do so.

"Having heard that the Court of Appeals has decided otherwise, although the official mandate of the Court

Appeals has not come down to Norfolk, and although the order suspending the mandamus still remains in force, I am ready to facilitate the examination of the poll books in every way, and have offered to allow the inspection to begin to-night, though Judge McLenore's order provided that the examination

"I am entirely satisfied that the most careful examination of this election will show that I was duly elected, in spite of the fact that every pretext is now sought by which to wrest from me the office that I have fairly won."

**Will Continue Fight.**  
Norfolk, Va., November 12.—At a mass-meeting of 200 Citizens'-party sympathizers to-night \$2,600 was raised to carry on the fight against the Democratic organization. It is expected that the Citizens'-party will continue its fight against the Democratic organization.

Former Police Justice Bruce Simmons, who was removed by the organ-

**HAVE YOU SEEN THE  
New Method Gas Banger**

NEW Method Gas Ranges  
— AT —  
**PETTIT & CO.'S?**